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2
3 Councilmember Kathy Patterson

Councilmember Jack Evans

Councilmember Jim Graham

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5
6 A BILL
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8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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10 Councilmembers Kathy Patterson, Jack Evans, and Jim Graham introduced the following bill,
11 which was referred to the Committee on _____.

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13 To amend Title 21 of the District of Columbia Official Code to include domestic partners and
14 close friends among the persons authorized to make health-care decisions for
15 incapacitated individuals, and to provide some flexibility in the priority list of individuals
16 who may be authorized to make such decisions.

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18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19 act may be cited as the "Health-Care Decisions Act Amendment Act of 2003".

20 Sec. 2. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as
21 follows:

22 (a) Section 21-2202 is amended as follows:

23 (1) A new paragraph (1A) is added to read as follows:

24 "(1A) "Close friend" means any adult who has exhibited significant care and
25 concern for the patient, and has maintained regular contact with the patient so as to be familiar
26 with his or her activities, health, and religious and moral beliefs."

27 (2) A new paragraph (2A) is added to read as follows:

28 "(2A) "Domestic partner" means an adult person living with, but not married to,
29 another adult person in a committed, intimate relationship."

1 (b) Section 21-2210 is amended as follows:

2 (1) Subsection (a)(2) is amended by adding the phrase "or domestic partner" after
3 the word "spouse".

4 (2) Subsection (a)(5A) is amended by striking the phrase "priest; or" and inserting
5 the word "priest;" in its place.

6 (3) Subsection (a)(5B) is added to read as follows:

7 "(5B) A close friend of the patient; or"

8 (4) A new subsection (a)(f) is added to read as follows:

9 "(f) The order of priority established in subsection (a) of this section creates a
10 presumption that may be rebutted if a person of lower priority is found to have better knowledge
11 of the wishes of the patient, or, if the wishes of the patient are unknown and cannot be
12 ascertained, is better able to demonstrate a good faith belief as to the interests of the patient."

13 Sec. 3. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the fiscal
15 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
16 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

17 Sec. 4. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of veto by the
19 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
20 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
21 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
22 Columbia Register.